



Future of Florida's Families Committee

Wednesday, March 28, 2006

10:30 AM – NOON

12 House Office Building

ACTION PACKET



Florida House of Representatives

Future of Florida's Families Committee

Bill Galvano
Chair

AGENDA

March 28, 2006
10:30 AM – NOON
12 HOB

Opening Remarks by Chair Galvano

Consideration of the following bills:

HB 457 – Guardianship by Rep. Sands

HB 459 – Public Records by Rep. Sands

HB 999 CS – Suicide Prevention by Rep. Adams

HB 1047 CS – Parental Relocation with a Child by Rep. Stargel

HB 1099 CS – Court Actions Involving Families by Rep. Planas

HB 1239 – Child Abuse by Rep. Detert

HB 1491 – Children in Foster Care by Rep. A. Gibson

HB 7151 – Adoption by Civil Justice and Rep. Mahon

Consideration of Proposed Committee Bills:

PCB FFF 06-02 – Child Support

PCB FFF 06-05 – Forensic Treatment and Training

Closing Remarks by Chair Galvano

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bill Galvano (Chair)	X		
Rafael Arza	X		
Aaron Bean	X		
Susan Bucher	X		
Mike Davis	X		
Richard Glorioso	X		
Susan Goldstein			X
Will Kendrick	X		
Totals:	7	0	1

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

HB 457 : Guardianship

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7 Total Nays: 0					

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COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

HB 459 : Public Records

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher		X			
Mike Davis				X	
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick		X			
Bill Galvano (Chair)	X				
Total Yeas: 4 Total Nays: 2					

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COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB
HB 999 CS : Suicide Prevention

☒ **X**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7 Total Nays: 0					

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COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

HB 1047 CS : Parental Relocation with a Child

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Parental Relocation with a Child

Kristin Adamson - Information Only

American Academy of Matrimonial Lawyers

851 E. Park Ave

Tallahassee FL 32301

Phone: 850/224-2000

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

HB 1099 CS : Court Actions Involving Families

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB
HB 1239 : Child Abuse

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza			X		
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 6 Total Nays: 0					

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

HB 1491 : Children in Foster Care

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7 Total Nays: 0					

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB
HB 7151 : Adoption

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7 Total Nays: 0					

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

PCB FFF 06-02 : Child Support

☒ *Favorable With Amendments*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis	X				
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)	X				
Total Yeas: 7 Total Nays: 0					

Appearances:

Child Support

Kristin Adamson - Information Only
American Academy of Matrimonial Lawyers
851 E. Park Ave
Tallahassee FL 32301
Phone: 850.224.2000

Child Support

Rob McNeely - Proponent
Family Law Section
2898-6 Mahan Drive
Tallahassee FL 32308
Phone: 850.656.7780

Child Support

Thomas J. Sasser - Proponent
Family Law Section Florida Bar
1800 Australian Avenue S., Suite 203
West Palm Beach FL 33409
Phone: 561.689.4378

Child Support

Ann Perko (Lobbyist) - Information Only
Florida Legal Services, Inc.
2425 Torreya Drive
Tallahassee FL 32305
Phone: 570.9081

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

PCB FFF 06-05 : Forensic Treatment and Training

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Rafael Arza	X				
Aaron Bean	X				
Susan Bucher	X				
Mike Davis				X	
Richard Glorioso	X				
Susan Goldstein			X		
Will Kendrick	X				
Bill Galvano (Chair)				X	
Total Yeas: 5		Total Nays: 0			

Appearances:

Forensic Treatment and Training

Dana Farmer - Proponent

Advocacy Center for Persons with Disabilities

2671 Executive Center Circle West, Suite 100

Tallahassee FL 32301

Phone: 850.488.9071 X 226

Forensic Treatment and Training

Bob Dillinger (State Employee) - Information Only

PD Assoc

Clearwater FL 33762

Phone: 727.464.6865

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

COMMITTEE MEETING REPORT
Future of Florida's Families Committee
3/28/2006 10:30:00AM

Location: 12 HOB

Summary:

Future of Florida's Families Committee

Tuesday March 28, 2006 10:30 am

HB 457	Favorable With Committee Substitute	Yeas: 7 Nays: 0
HB 459	Favorable	Yeas: 4 Nays: 2
HB 999 CS	Favorable	Yeas: 7 Nays: 0
HB 1047 CS	Favorable	Yeas: 7 Nays: 0
HB 1099 CS	Favorable	Yeas: 7 Nays: 0
HB 1239	Favorable	Yeas: 6 Nays: 0
HB 1491	Favorable With Committee Substitute	Yeas: 7 Nays: 0
HB 7151	Favorable	Yeas: 7 Nays: 0
PCB FFF 06-02	Favorable With Amendments	Yeas: 7 Nays: 0
PCB FFF 06-05	Favorable	Yeas: 5 Nays: 0

Committee meeting was reported out: Tuesday, March 28, 2006 12:41:47PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 457**

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Council/Committee hearing bill: Future of Florida's Families
Committee

Representative(s) Sands offered the following:

Amendment

Remove line(s) 242 - 244 and insert:

Section 2. Subsections (3) and (10) of section 744.1083,
Florida Statutes, are amended to read:

744.1083 Professional guardian registration.--

(3) Registration must include the following:

(a) Sufficient information to identify the professional
guardian.

1. If the professional guardian is a natural person, the
name, address, date of birth, and employer identification or
social security number of the professional guardian shall be
required to identify the guardian.

2. ~~(b)~~ If the professional guardian is a partnership, or
association, or corporation, the name, address, and ~~date of~~
~~birth of every member, and the~~ employer identification number of
the entity shall be required to identify the guardian
~~partnership or association.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

~~(e) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10 percent interest in the corporation.~~

~~(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.~~

(b) ~~(e)~~ Documentation that the bonding and educational requirements of s. 744.1085 have been met.

(c) ~~(f)~~ Sufficient information to distinguish a guardian providing guardianship services as a public guardian, individually, through partnership, corporation, or any other business organization.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 457**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Future of Florida's Families
Committee

Representative(s) Sands offered the following:

Amendment

Remove line(s) 1116-1131 and insert:

Section 27. Subsections (5), (6), (7), and (8) of section
744.708, Florida Statutes, are amended to read:

744.708 Reports and standards.--

(5) (a) Each office of public guardian shall undergo an
independent audit by a qualified certified public accountant
~~shall be performed at least once every 2 years. The audit should~~
~~include an investigation into the practices of the office for~~
~~managing the person and property of the wards.~~ A copy of the
audit report shall be submitted to the Statewide Public
Guardianship Office.

(b) In addition to regular monitoring activities, the
Statewide Public Guardianship Office shall conduct an
investigation into the practices of each office of public
guardian related to the managing of each ward's personal affairs
and property. When feasible, the investigation required under

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

22 this paragraph should be conducted in conjunction with the
23 financial audit of each office.

24 (c) In addition, each ~~the~~ office of public guardian shall
25 be subject to audits or examinations by the Auditor General and
26 the Office of Program Policy Analysis and Government
27 Accountability pursuant to law.

28 (6) A ~~The~~ public guardian shall ensure that each of the
29 guardian's wards is personally visited ~~ward is seen~~ by the
30 public guardian or by one of the guardian's a professional staff
31 person at least once each calendar quarter ~~four times a year~~.
32 During this personal visit, the public guardian or the
33 professional staff person shall assess:

34 (a) The ward's physical appearance and condition.

35 (b) The appropriateness of the ward's current living
36 situation.

37 (c) The need for any additional services and the necessity
38 for continuation of existing services, taking into consideration
39 all aspects of social, psychological, educational, direct
40 service, health, and personal care needs.

41 (7) The ratio for professional staff to wards shall be 1
42 professional to 40 wards. The Statewide Public Guardianship
43 Office may increase or decrease the ratio after consultation
44 with the local public guardian and the chief judge of the
45 circuit court. The basis of the decision to increase or decrease
46 the prescribed ratio shall be reported in the annual report to
47 the Secretary of the Department of Elderly Affairs, Governor,
48 the President of the Senate, the Speaker of the House of
49 Representatives, and the Chief Justice of the Supreme Court.

50 ~~(8) The term "professional," for purposes of this part,~~
51 ~~shall not include the public guardian nor the executive director~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

52 | ~~of the Statewide Public Guardianship Office. The term~~
53 | ~~"professional" shall be limited to those persons who exercise~~
54 | ~~direct supervision of individual wards under the direction of~~
55 | ~~the public guardian.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. **HB 457**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Future of Florida's Families
2 Committee

3 Representative(s) Sands offered the following:

4
5 **Amendment**

6 Remove line(s) 793 - 798 and insert:

7 guardianship is terminated. A copy of the notice must be
8 served on all

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 1491

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED 7 (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Future of Florida's Families
Committee

Representative(s) A. Gibson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Community Advisory Panel on Foster Care Pilot
Program; creation; purpose; panel membership; court and panel
duties; administration; evaluation.--

(1) There is created the Community Advisory Panel on
Foster Care Pilot Program in Duval County. The purpose of the
program is to identify educational needs and follow-up
strategies for foster children who are 6 through 12 years of age
and are enrolled in the Duval County school system. The goal of
the program is to ensure that youth who are in foster care will
be tested appropriately and placed in an educational environment
that optimizes their opportunities for success.

(2) The pilot program shall consist of the cooperative
efforts of:

(a) The Community Advisory Panel on Foster Care, as
created under this section;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 (b) The community-based care lead agency for foster care
23 and adoption in Duval County;

24 (c) The case managers assigned to children in foster
25 care;

26 (d) The Duval County School Board;

27 (e) Nova Southeastern University;

28 (f) The foster care parents of children currently in the
29 foster care system;

30 (g) When possible, the natural parents of children
31 currently in the foster care system; and

32 (h) The circuit court judge hearing a foster care case.

33 (3) (a) The Community Advisory Panel on Foster Care is
34 created in the Fourth Judicial Circuit and shall consist of the
35 chief judge for the circuit, or another judge from the circuit
36 designated by the chief judge who is the lead judge in the area
37 of dependency and adoption, and 15 community volunteers who are
38 community leaders with diverse areas of abilities and expertise.
39 The chief judge, or the judge designated by the chief judge,
40 shall serve as the chair of the panel. The 15 volunteers shall
41 be comprised of:

42 1. Four members appointed by the chief judge, or by the
43 judge designated by the chief judge;

44 2. Four members appointed by the Secretary of the
45 Department of Children and Family Services, or his or her
46 designee;

47 3. Four members appointed by the Duval County School
48 Board; and

49 4. Three members appointed by the guardian ad litem for
50 Duval County.

51 (b) The chief judge, or the judge from the circuit
52 designated by the chief judge, may issue orders and obtain

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

53 educational information relating to the students who are 6 to 12
54 years of age and are in the foster care system in District IV of
55 the department. Pursuant to the order the panel shall review the
56 academic progress, behavioral issues, and attendance of each
57 student and shall recommend referral of any student for whom the
58 review demonstrates a need for follow-up services. The panel may
59 prioritize referrals by assessing the severity of need and
60 recommending that the most critical needs be met first. A
61 student who is failing may be referred for educational testing,
62 for additional psychological and therapeutic counseling as
63 recommended, or for both, to determine why he or she is failing
64 and what accommodations and remediation are needed.

65 (4) The community-based care lead agency shall provide
66 administrative support for the Community Advisory Panel on
67 Foster Care and for the operation of the pilot program. To help
68 facilitate the duties of the panel, the agency shall employ:

69 (a) A full-time project coordinator who shall assist the
70 student's case manager in identifying resources for educational
71 testing and psychological and therapeutic counseling. In
72 addition, the project coordinator shall oversee the development
73 of an assessment tool that is designed to determine the
74 effectiveness of the pilot program.

75 1. The purpose of the assessment tool is to link systems
76 among providers of educational services, psychological services,
77 and case management services and the court system.

78 2. The entity that designs the assessment tool must,
79 during the first year of the pilot program, undertake the
80 following tasks:

81 a. Discovery. This phase includes meeting with
82 information technology staff from the department, school board
83 staff, and case managers.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

84 b. Development. This phase consists of determining the
85 best method for data entry, the best database, and the best data
86 format.

87 c. Implementation. This phase comprises completing,
88 testing, and delivering the assessment tool.

89 d. Maintenance. This phase involves developing a
90 maintenance plan and schedule, after the initiation of the
91 assessment tool.

92 (b) A full-time psychologist who shall provide
93 educational testing and psychological and therapeutic counseling
94 to foster care children and provide advice, research,
95 assessments, and other services to the judges.

96 (5) The project coordinator shall submit an annual report
97 on the pilot program to the chief judge of the Fourth Judicial
98 Circuit, the President of the Senate, the Speaker of the House
99 of Representatives, the State Courts Administrator, and the
100 Secretary of the Department of Children and Family Services.

101 (6) The pilot program expires on July 1, 2009.

102 Section 2. The sum of \$300,000 is appropriated from the
103 General Revenue Fund to the Fourth Judicial Circuit Court in
104 Duval County for the 2006-2007 fiscal year, to be used in
105 implementing the Community Advisory Panel on Foster Care Pilot
106 Program created by this act. The chief judge of the Fourth
107 Judicial Circuit shall contract with the community-based care
108 lead agency for foster care and adoption in Duval County for
109 services associated with the administration of the pilot program
110 as provided in this act.

111 Section 3. This act shall take effect July 1, 2006.

112
113 ===== T I T L E A M E N D M E N T =====
114

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 Delete everything before the enacting clause

116 and insert:

117 A bill to be entitled

118 An act relating to children in foster care; providing for the
119 creation of the Community Advisory Panel on Foster Care Pilot
120 Program in Duval County; providing purposes and goals; providing
121 for cooperative participation by specified entities and
122 individuals; creating the Community Advisory Panel on Foster
123 Care; providing for panel membership; providing for a
124 chairperson; providing duties of specified judges and panel
125 members; providing for administration by a community-based care
126 lead agency; providing for hiring specified personnel; requiring
127 development of an assessment tool to determine the effectiveness
128 of the program; requiring an annual report; providing for future
129 expiration of the pilot program; providing an appropriation;
130 requiring a contract with the community-based care lead agency;
131 providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1.

PCB FFF 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Future of Florida's Families
Committee and Representative Galvano offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (1) of
section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights;
power of court in making orders.--

(1)(a) In a proceeding under this chapter, the court may
at any time order either or both parents who owe a duty of
support to a child to pay support in accordance with the child
support guidelines in s. 61.30. The court initially entering an
order requiring one or both parents to make child support
payments shall have continuing jurisdiction after the entry of
the initial order to modify the amount and terms and conditions
of the child support payments when the modification is found
necessary by the court in the best interests of the child, when
the child reaches majority, or when there is a substantial
change in the circumstances of the parties. The court initially
entering a child support order shall also have continuing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1.

jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(c) To the extent necessary to protect an award of child support, the court may order either or both parents who owe a duty of support to a child ~~the obligor~~ to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose, depending upon the equities of the cause.

Section 2. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; guidelines schedule; retroactive child support.--

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such guideline amount would be unjust or inappropriate. Notwithstanding the variance limitations of this section, the trier of fact shall order payment of child support which varies from the guideline amount as provided in paragraph (11)(b) whenever any of the children

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1.

are required by court order or mediation agreement to spend a substantial amount of time with the primary and secondary residential parents. This requirement applies to any living arrangement, whether temporary or permanent.

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. However, the difference between the existing monthly obligation and the amount provided for under the guidelines shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.

(c) For each support order reviewed by the department as required by s. 409.2564(11), if the amount of the child support award under the order differs by at least 10 percent but not less than \$25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(2) Income shall be determined on a monthly basis for each parent ~~the obligor and for the obligee~~ as follows:

(a) Gross income shall include, but is not limited to, the following ~~items~~:

1. Salary or wages.
2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.
3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts.
"Business income" means gross receipts minus ordinary and necessary expenses required to produce income.
4. Disability benefits.
5. All workers' compensation benefits and settlements.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1.

6. Unemployment compensation.

7. Pension, retirement, or annuity payments.

8. Social security benefits.

9. Spousal support received from a previous marriage or court ordered in the marriage before the court.

10. Interest and dividends.

11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.

12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b)1. Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found by the court to be voluntary on that parent's part, absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community as provided in this paragraph; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child who is the subject of the child support calculation to care for that child.

2. In order for the court to impute income under subparagraph 1., the court must make specific findings of fact consistent with the requirements of this paragraph. The party

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116 seeking to impute income has the burden to present competent,
117 substantial evidence:

118 a. That the unemployment or underemployment is voluntary;
119 and

120 b. That identifies the amount and source of the imputed
121 income, through evidence of available income from employment for
122 which the party is suitably qualified by education, experience,
123 current licensure, or geographic location, with due
124 consideration being given to the parties' current existing
125 parental obligations and time-sharing plan and their historical
126 compliance with the plan.

127 3. A rebuttable presumption shall exist, which entitles
128 the court to impute Florida minimum wage to a parent if no other
129 evidentiary basis or mechanism for establishing a parent's gross
130 income is available, absent a finding by the court that:

131 a. The parent has a physical or mental incapacity that
132 renders the parent unemployable or underemployed;

133 b. The parent needs to stay home with a child who is the
134 subject of the child support calculation proceedings and care
135 for that child, thereby preventing the parent's employment or
136 rendering the parent underemployed; or

137 c. There are other circumstances over which the parent has
138 no control, except for penal incarceration, which prevents the
139 parent from earning an income.

140
141 If evidence is produced that demonstrates that the parent is a
142 resident of another state, the state minimum wage applicable to
143 the parent's state of residence shall apply if it is greater
144 than the Florida minimum wage. In the absence of a state minimum
145 wage or if the other state's minimum wage is lower than the

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Florida minimum wage, the federal minimum wage as determined by the United States Department of Labor shall apply.

4. Income may not be imputed beyond minimum wage requirements in subparagraph 3. based upon:

a. Income records that are more than 5 years old at the time of the hearing or trial at which imputation is sought.

b. Income at a level that a party has not previously ever earned in the past, unless recently degreed, licensed, certified, relicensed, or recertified and thus qualified for, subject to geographic location, with due consideration being given to the parties' current existing parental obligations and time-sharing plan and their historical compliance with the plan.

(c) Public assistance as defined in s. 409.2554 shall be excluded from gross income.

(3)(a) Net income is obtained by subtracting allowable deductions from gross income. Allowable deductions shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments, excluding payments for coverage of the minor child.

(f) Court-ordered support for other children which is actually paid.

(g) Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

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(4) Net income for each parent ~~the obligor and net income for the obligee~~ shall be computed by subtracting allowable deductions from gross income.

(5) Net income for each parent ~~the obligor and net income for the obligee~~ shall be added together for a combined net income.

(6) The following schedules shall be applied to the combined net income to determine the minimum child support need:

	Child or Children					
	One	Two	Three	Four	Five	Six
Combined Monthly <u>Net</u> Available Income						
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458

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Amendment No. 1.

195	1100.00	258	400	489	495	500	505
196	1150.00	269	417	522	541	547	553
197	1200.00	280	435	544	588	594	600
198	1250.00	290	451	565	634	641	648
199	1300.00	300	467	584	659	688	695
200	1350.00	310	482	603	681	735	743
201	1400.00	320	498	623	702	765	790
202	1450.00	330	513	642	724	789	838
203	1500.00	340	529	662	746	813	869
204	1550.00	350	544	681	768	836	895
205	1600.00	360	560	701	790	860	920
206	1650.00	370	575	720	812	884	945
207	1700.00	380	591	740	833	907	971
208	1750.00	390	606	759	855	931	996
209	1800.00	400	622	779	877	955	1022
210							

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Amendment No. 1.

211	1850.00	410	638	798	900	979	1048
212	1900.00	421	654	818	923	1004	1074
213	1950.00	431	670	839	946	1029	1101
214	2000.00	442	686	859	968	1054	1128
215	2050.00	452	702	879	991	1079	1154
216	2100.00	463	718	899	1014	1104	1181
217	2150.00	473	734	919	1037	1129	1207
218	2200.00	484	751	940	1060	1154	1234
219	2250.00	494	767	960	1082	1179	1261
220	2300.00	505	783	980	1105	1204	1287
221	2350.00	515	799	1000	1128	1229	1314
222	2400.00	526	815	1020	1151	1254	1340
223	2450.00	536	831	1041	1174	1279	1367
224	2500.00	547	847	1061	1196	1304	1394
225	2550.00	557	864	1081	1219	1329	1420
	2600.00	568	880	1101	1242	1354	1447

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Amendment No. 1.

226	2650.00	578	896	1121	1265	1379	1473
227	2700.00	588	912	1141	1287	1403	1500
228	2750.00	597	927	1160	1308	1426	1524
229	2800.00	607	941	1178	1328	1448	1549
230	2850.00	616	956	1197	1349	1471	1573
231	2900.00	626	971	1215	1370	1494	1598
232	2950.00	635	986	1234	1391	1517	1622
233	3000.00	644	1001	1252	1412	1540	1647
234	3050.00	654	1016	1271	1433	1563	1671
235	3100.00	663	1031	1289	1453	1586	1695
236	3150.00	673	1045	1308	1474	1608	1720
237	3200.00	682	1060	1327	1495	1631	1744
238	3250.00	691	1075	1345	1516	1654	1769
239	3300.00	701	1090	1364	1537	1677	1793
240	3350.00	710	1105	1382	1558	1700	1818
241							

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Amendment No. 1.

242	3400.00	720	1120	1401	1579	1723	1842
243	3450.00	729	1135	1419	1599	1745	1867
244	3500.00	738	1149	1438	1620	1768	1891
245	3550.00	748	1164	1456	1641	1791	1915
246	3600.00	757	1179	1475	1662	1814	1940
247	3650.00	767	1194	1493	1683	1837	1964
248	3700.00	776	1208	1503	1702	1857	1987
249	3750.00	784	1221	1520	1721	1878	2009
250	3800.00	793	1234	1536	1740	1899	2031
251	3850.00	802	1248	1553	1759	1920	2053
252	3900.00	811	1261	1570	1778	1940	2075
253	3950.00	819	1275	1587	1797	1961	2097
254	4000.00	828	1288	1603	1816	1982	2119
255	4050.00	837	1302	1620	1835	2002	2141
256	4100.00	846	1315	1637	1854	2023	2163
	4150.00	854	1329	1654	1873	2044	2185

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Amendment No. 1.

257	4200.00	863	1342	1670	1892	2064	2207
258	4250.00	872	1355	1687	1911	2085	2229
259	4300.00	881	1369	1704	1930	2106	2251
260	4350.00	889	1382	1721	1949	2127	2273
261	4400.00	898	1396	1737	1968	2147	2295
262	4450.00	907	1409	1754	1987	2168	2317
263	4500.00	916	1423	1771	2006	2189	2339
264	4550.00	924	1436	1788	2024	2209	2361
265	4600.00	933	1450	1804	2043	2230	2384
266	4650.00	942	1463	1821	2062	2251	2406
267	4700.00	951	1477	1838	2081	2271	2428
268	4750.00	959	1490	1855	2100	2292	2450
269	4800.00	968	1503	1871	2119	2313	2472
270	4850.00	977	1517	1888	2138	2334	2494
271	4900.00	986	1530	1905	2157	2354	2516
272							

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Amendment No. 1.

273	4950.00	993	1542	1927	2174	2372	2535
	5000.00	1000	1551	1939	2188	2387	2551
274							
	5050.00	1006	1561	1952	2202	2402	2567
275							
	5100.00	1013	1571	1964	2215	2417	2583
276							
	5150.00	1019	1580	1976	2229	2432	2599
277							
	5200.00	1025	1590	1988	2243	2447	2615
278							
	5250.00	1032	1599	2000	2256	2462	2631
279							
	5300.00	1038	1609	2012	2270	2477	2647
280							
	5350.00	1045	1619	2024	2283	2492	2663
281							
	5400.00	1051	1628	2037	2297	2507	2679
282							
	5450.00	1057	1638	2049	2311	2522	2695
283							
	5500.00	1064	1647	2061	2324	2537	2711
284							
	5550.00	1070	1657	2073	2338	2552	2727
285							
	5600.00	1077	1667	2085	2352	2567	2743
286							
	5650.00	1083	1676	2097	2365	2582	2759
287							
	5700.00	1089	1686	2109	2379	2597	2775

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Amendment No. 1.

288	5750.00	1096	1695	2122	2393	2612	2791
289	5800.00	1102	1705	2134	2406	2627	2807
290	5850.00	1107	1713	2144	2418	2639	2820
291	5900.00	1111	1721	2155	2429	2651	2833
292	5950.00	1116	1729	2165	2440	2663	2847
293	6000.00	1121	1737	2175	2451	2676	2860
294	6050.00	1126	1746	2185	2462	2688	2874
295	6100.00	1131	1754	2196	2473	2700	2887
296	6150.00	1136	1762	2206	2484	2712	2900
297	6200.00	1141	1770	2216	2495	2724	2914
298	6250.00	1145	1778	2227	2506	2737	2927
299	6300.00	1150	1786	2237	2517	2749	2941
300	6350.00	1155	1795	2247	2529	2761	2954
301	6400.00	1160	1803	2258	2540	2773	2967
302	6450.00	1165	1811	2268	2551	2785	2981
303							

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Amendment No. 1.

304	6500.00	1170	1819	2278	2562	2798	2994
305	6550.00	1175	1827	2288	2573	2810	3008
306	6600.00	1179	1835	2299	2584	2822	3021
307	6650.00	1184	1843	2309	2595	2834	3034
308	6700.00	1189	1850	2317	2604	2845	3045
309	6750.00	1193	1856	2325	2613	2854	3055
310	6800.00	1196	1862	2332	2621	2863	3064
311	6850.00	1200	1868	2340	2630	2872	3074
312	6900.00	1204	1873	2347	2639	2882	3084
313	6950.00	1208	1879	2355	2647	2891	3094
314	7000.00	1212	1885	2362	2656	2900	3103
315	7050.00	1216	1891	2370	2664	2909	3113
316	7100.00	1220	1897	2378	2673	2919	3123
317	7150.00	1224	1903	2385	2681	2928	3133
318	7200.00	1228	1909	2393	2690	2937	3142
	7250.00	1232	1915	2400	2698	2946	3152

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Amendment No. 1.

319	7300.00	1235	1921	2408	2707	2956	3162
320	7350.00	1239	1927	2415	2716	2965	3172
321	7400.00	1243	1933	2423	2724	2974	3181
322	7450.00	1247	1939	2430	2733	2983	3191
323	7500.00	1251	1945	2438	2741	2993	3201
324	7550.00	1255	1951	2446	2750	3002	3211
325	7600.00	1259	1957	2453	2758	3011	3220
326	7650.00	1263	1963	2461	2767	3020	3230
327	7700.00	1267	1969	2468	2775	3030	3240
328	7750.00	1271	1975	2476	2784	3039	3250
329	7800.00	1274	1981	2483	2792	3048	3259
330	7850.00	1278	1987	2491	2801	3057	3269
331	7900.00	1282	1992	2498	2810	3067	3279
332	7950.00	1286	1998	2506	2818	3076	3289
333	8000.00	1290	2004	2513	2827	3085	3298
334							

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Amendment No. 1.

335	8050.00	1294	2010	2521	2835	3094	3308
336	8100.00	1298	2016	2529	2844	3104	3318
337	8150.00	1302	2022	2536	2852	3113	3328
338	8200.00	1306	2028	2544	2861	3122	3337
339	8250.00	1310	2034	2551	2869	3131	3347
340	8300.00	1313	2040	2559	2878	3141	3357
341	8350.00	1317	2046	2566	2887	3150	3367
342	8400.00	1321	2052	2574	2895	3159	3376
343	8450.00	1325	2058	2581	2904	3168	3386
344	8500.00	1329	2064	2589	2912	3178	3396
345	8550.00	1333	2070	2597	2921	3187	3406
346	8600.00	1337	2076	2604	2929	3196	3415
347	8650.00	1341	2082	2612	2938	3205	3425
348	8700.00	1345	2088	2619	2946	3215	3435
349	8750.00	1349	2094	2627	2955	3224	3445
	8800.00	1352	2100	2634	2963	3233	3454

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350	8850.00	1356	2106	2642	2972	3242	3464
351	8900.00	1360	2111	2649	2981	3252	3474
352	8950.00	1364	2117	2657	2989	3261	3484
353	9000.00	1368	2123	2664	2998	3270	3493
354	9050.00	1372	2129	2672	3006	3279	3503
355	9100.00	1376	2135	2680	3015	3289	3513
356	9150.00	1380	2141	2687	3023	3298	3523
357	9200.00	1384	2147	2695	3032	3307	3532
358	9250.00	1388	2153	2702	3040	3316	3542
359	9300.00	1391	2159	2710	3049	3326	3552
360	9350.00	1395	2165	2717	3058	3335	3562
361	9400.00	1399	2171	2725	3066	3344	3571
362	9450.00	1403	2177	2732	3075	3353	3581
363	9500.00	1407	2183	2740	3083	3363	3591
364	9550.00	1411	2189	2748	3092	3372	3601
365							

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366	9600.00	1415	2195	2755	3100	3381	3610
367	9650.00	1419	2201	2763	3109	3390	3620
368	9700.00	1422	2206	2767	3115	3396	3628
369	9750.00	1425	2210	2772	3121	3402	3634
370	9800.00	1427	2213	2776	3126	3408	3641
371	9850.00	1430	2217	2781	3132	3414	3647
372	9900.00	1432	2221	2786	3137	3420	3653
373	9950.00	1435	2225	2791	3143	3426	3659
374	10000.00	1437	2228	2795	3148	3432	3666

For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly available income greater than the amount set out in the above schedules, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children

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One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be~~ added to the basic obligation. After the ~~adjusted~~ child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net monthly income by the combined net monthly income.

(10) The total minimum child support need shall be determined by adding child care costs and health insurance costs to the minimum child support need. Each parent's actual dollar

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share of the total minimum child support need shall be determined by multiplying the minimum child support need by each parent's percentage share of the combined monthly net income.

11)(a) The court may adjust the total minimum child support award, or either or both parents' share of the minimum child support award, based upon the following deviation factors considerations:

1. Extraordinary medical, psychological, educational, or dental expenses.

2. Independent income of the child, not to include moneys received by a child from supplemental security income.

3. The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

4. Seasonal variations in one or both parents' incomes or expenses.

5. The age of the child, taking into account the greater needs of older children.

6. Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the presumptive amount established by the proposed guidelines.

7. Total available assets of the obligee, obligor, and the child.

8. The impact of the Internal Revenue Service dependency exemption and waiver of that exemption and the impact of any federal child care tax credit. The court may order the primary residential parent to execute a waiver of the Internal Revenue Service dependency exemption if the noncustodial parent is current in support payments.

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446 9. When application of the child support guidelines
447 requires a person to pay another person more than 55 percent of
448 his or her gross income for a child support obligation for
449 current support resulting from a single support order.

450 10. The particular parenting ~~shared-parental~~ arrangement,
451 such as where the child spends a significant amount of time, but
452 less than 20 ~~40~~ percent of the overnights, with the noncustodial
453 parent, thereby reducing the financial expenditures incurred by
454 the primary residential parent; or the refusal of the
455 noncustodial parent to become involved in the activities of the
456 child.

457 11. Any other adjustment which is needed to achieve an
458 equitable result which may include, but not be limited to, a
459 reasonable and necessary existing expense or debt. Such expense
460 or debt may include, but is not limited to, a reasonable and
461 necessary expense or debt which the parties jointly incurred
462 during the marriage.

463 (b) Whenever a particular parenting ~~shared-parental~~
464 arrangement provides that each child spend a substantial amount
465 of time with each parent, the court shall adjust any award of
466 child support, as follows:

467 1. In accordance with subsections (9) and (10), calculate
468 the amount of support obligation apportioned to the noncustodial
469 parent without including day care and health insurance costs in
470 the calculation and multiply the amount by 1.5.

471 2. In accordance with subsections (9) and (10), calculate
472 the amount of support obligation apportioned to the custodial
473 parent without including day care and health insurance costs in
474 the calculation and multiply the amount by 1.5.

475 3. Calculate the percentage of overnight stays the child
476 spends with each parent.

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477 4. Multiply the noncustodial parent's support obligation
478 as calculated in subparagraph 1. by the percentage of the
479 custodial parent's overnight stays with the child as calculated
480 in subparagraph 3.

481 5. Multiply the custodial parent's support obligation as
482 calculated in subparagraph 2. by the percentage of the
483 noncustodial parent's overnight stays with the child as
484 calculated in subparagraph 3.

485 6. The difference between the amounts calculated in
486 subparagraphs 4. and 5. shall be the monetary transfer necessary
487 between the custodial and noncustodial parents for the care of
488 the child, subject to an adjustment for day care and health
489 insurance expenses.

490 7. Pursuant to subsections (7) and (8), calculate the net
491 amounts owed by the custodial and noncustodial parents for the
492 expenses incurred for day care and health insurance coverage for
493 the child. ~~Day care shall be calculated without regard to the~~
494 ~~25 percent reduction applied by subsection (7).~~

495 8. Adjust the support obligation owed by the custodial or
496 noncustodial parent pursuant to subparagraph 6. by crediting or
497 debiting the amount calculated in subparagraph 7. This amount
498 represents the child support which must be exchanged between the
499 custodial and noncustodial parents.

500 9. The court may deviate from the child support amount
501 calculated pursuant to subparagraph 8. based upon the
502 considerations set forth in paragraph (a), as well as the
503 ~~custodial parent's low income of either parent or the inability~~
504 ~~of either parent and ability~~ to maintain the basic necessities
505 of the home for the child, the likelihood that the noncustodial
506 parent will actually exercise the visitation granted by the

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507 court, and whether all of the children are exercising the same
508 parenting ~~shared parental~~ arrangement.

509 10. For purposes of adjusting any award of child support
510 under this paragraph, "substantial amount of time" means that
511 the noncustodial parent exercises visitation at least 20 ~~40~~
512 percent of the overnights of the year.

513 (c) A noncustodial parent's failure to exercise court-
514 ordered or agreed visitation not caused by the custodial parent
515 which resulted in the adjustment of the amount of child support
516 pursuant to subparagraph (a)10. or paragraph (b) shall be deemed
517 a substantial change of circumstances for purposes of modifying
518 the child support award. A modification pursuant to this
519 paragraph shall be retroactive to the date the noncustodial
520 parent first failed to regularly exercise court-ordered or
521 agreed visitation.

522 (d) A split parenting arrangement exists when there is more
523 than one child in common and each parent has the majority of the
524 overnight timesharing for at least one of the children. In cases
525 involving split parenting arrangements, the court shall
526 calculate and issue a separate child support order for each
527 parent based on the number of children for which that parent has
528 the majority of the overnight timesharing, and the difference
529 between the two calculations is the amount to be paid by the
530 parent with the higher child support order amount.

531 (12)(a) A parent with a support obligation may have other
532 children living with him or her who were born or adopted after
533 the support obligation arose. If such subsequent children exist,
534 the court, when considering an upward modification of an
535 existing award, may disregard the income from secondary
536 employment obtained in addition to the parent's primary

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537 employment if the court determines that the employment was
538 obtained primarily to support the subsequent children.

539 (b) Except as provided in paragraph (a), the existence of
540 such subsequent children should not as a general rule be
541 considered by the court as a basis for disregarding the amount
542 provided in the guidelines schedule. The parent with a support
543 obligation for subsequent children may raise the existence of
544 such subsequent children as a justification for deviation from
545 the guidelines schedule. However, if the existence of such
546 subsequent children is raised, the income of the other parent of
547 the subsequent children shall be considered by the court in
548 determining whether or not there is a basis for deviation from
549 the guideline amount.

550 (c) The issue of subsequent children under paragraph (a)
551 or paragraph (b) may only be raised in a proceeding for an
552 upward modification of an existing award and may not be applied
553 to justify a decrease in an existing award.

554 (13) If the recurring income is not sufficient to meet the
555 needs of the child, the court may order child support to be paid
556 from nonrecurring income or assets.

557 (14) Every petition for child support or for modification
558 of child support shall be accompanied by an affidavit which
559 shows the party's income, allowable deductions, and net income
560 computed in accordance with this section. The affidavit shall be
561 served at the same time that the petition is served. The
562 respondent, whether or not a stipulation is entered, shall make
563 an affidavit which shows the party's income, allowable
564 deductions, and net income computed in accordance with this
565 section. The respondent shall include his or her affidavit with
566 the answer to the petition or as soon thereafter as is

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practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

(16) The Legislature shall review the guidelines established in this section at least every 4 years beginning in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when the parents did not reside together in the same household with the child, not to exceed a period of 24 months preceding the filing of the petition, regardless of whether that date precedes the filing of the petition. In determining the retroactive award in such cases, the court shall consider the following:

(a) The court shall apply the guidelines schedule in effect at the time of the hearing subject to the obligor's demonstration of his or her actual income, as defined by subsection (2), during the retroactive period. Failure of the obligor to so demonstrate shall result in the court using the obligor's income at the time of the hearing in computing child support for the retroactive period.

(b) All actual payments made by the noncustodial parent to the custodial parent or the child or third parties for the benefit of the child throughout the proposed retroactive period.

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597 (c) The court should consider an installment payment plan
598 for the payment of retroactive child support.

599 Section 3. Subsection (10) of section 409.2564, Florida
600 Statutes, is amended to read:

601 409.2564 Actions for support.--

602 (10) For the purposes of denial, revocation, or limitation
603 of an individual's United States passport, consistent with 42
604 U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures
605 to certify to the Secretary of the United States Department of
606 Health and Human Services, in the format and accompanied by such
607 supporting documentation as the secretary may require, a
608 determination that an individual owes arrearages of support in
609 an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide
610 that the individual be given notice of the determination and of
611 the consequence thereof and that the individual shall be given
612 an opportunity to contest the accuracy of the determination.

613 Section 4. Section 409.25641, Florida Statutes, is amended
614 to read:

615 409.25641 Procedures for processing automated
616 administrative enforcement requests.--

617 (1) The department ~~Title IV-D agency~~ shall use automated
618 administrative enforcement, as defined in Title IV-D of the
619 Social Security Act, in response to a request from another state
620 to enforce a support order and shall promptly report the results
621 of enforcement action to the requesting state.

622 (2) This request:

623 (a) May be transmitted from the other state by electronic
624 or other means.†

625 (b) Shall contain sufficient identifying information to
626 allow comparison with the databases within the state which are
627 available to the department. ~~Title IV-D agency; and~~

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(c) Shall constitute a certification by the requesting state:

1. Of the amount of arrearage accrued under the order; and

2. That the requesting state has complied with all procedural due process requirements applicable to the case.

(3) If assistance is provided by the department ~~Title IV-D~~ ~~agency~~ to another state as prescribed above, the department may not neither state shall consider the case to be transferred from the caseload of the other state to the caseload of the department, but the department may establish a corresponding case based on the other state's request for assistance ~~Title IV-D agency~~.

(4) The department ~~Title IV-D agency~~ shall maintain a record of:

(a) The number of requests received;

(b) The number of cases for which the department ~~Title IV-D agency~~ collected support in response to such a request; and

(c) The amount of such collected support.

(5) The department shall have authority to adopt rules to implement this section.

Section 5. The Office of Programs Policy Analysis and Government Accountability shall evaluate the effectiveness of the system currently used for complying with the federally required review of Florida's child support guidelines every 4 years. The evaluation shall include a comparison of all available methodologies being utilized by other states in conducting their reviews of their child support guidelines and include recommendations for either maintaining the current review process with the Legislature or transferring the responsibility to another entity. A report shall be submitted

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658 to the Governor, the President of the Senate, and the Speaker of
659 the House of Representatives by January 31, 2007.

660 Section 6. This act shall take effect July 1, 2006.

661
662 ===== T I T L E A M E N D M E N T =====

663 Remove the entire title and insert:

664
665 An act relating to child support; amending s. 61.13, F.S.;
666 requiring either or both parents who owe support to secure
667 a child support award; amending s. 61.30, F.S.; providing
668 that the amount of a child support award resulting from
669 the application of the child support guidelines schedule
670 creates a rebuttable presumption of correctness; providing
671 circumstances in which specified variances in awards
672 require a written finding; providing for modification of
673 existing orders; providing for the determination of gross
674 income; providing for the imputation of income under
675 certain circumstances; providing for the determination of
676 net income; providing the child support guidelines
677 schedule; providing for determination of the amount of
678 child support for low-income and high-income parents;
679 providing for child care costs and health care costs to be
680 added to the minimum obligation; revising factors to be
681 considered by the court in adjusting child support awards;
682 providing for shared parenting arrangements; providing for
683 calculation of child support orders in cases of split
684 parenting arrangements; specifying the method for
685 determining a child support order amount; requiring
686 submission of financial affidavits; providing for the
687 consideration of subsequent children; providing for income
688 information in the event of noncooperation by a public

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689 assistance recipient for purposes of child support;
690 providing for review of the child support guidelines;
691 providing for retroactive child support; amending s.
692 409.2564, F.S.; providing a threshold for arrearages
693 before passport restrictions apply; amending s. 409.25641,
694 F.S.; requiring the Department of Revenue to employ
695 automated administrative enforcement of support orders in
696 interstate cases; authorizing the department to establish
697 a corresponding case under certain circumstances;
698 providing for a review; providing an effective date.
699